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**Third Committee**
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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Argentina, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Chile, Georgia, Greece, Guatemala, Jordan, Moldova, Nicaragua, Nigeria, Pakistan, Panama and Saudi Arabia: draft resolution**

## Missing persons

*The General Assembly*,

*Guided* by the purposes, principles and provisions of the Charter of the United Nations,

*Guided also* by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto, of 1977,[2] as well as international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7]

*Recalling* all previous resolutions on missing persons adopted by the General Assembly, as well as the resolutions adopted by the Commission on Human Rights,

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[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[2] Ibid., vol. 1125, Nos. 17512 and 17513.
[3] Resolution 217 A (III).
[4] See resolution 2200 A (XXI), annex.
[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] A/CONF.157/24 (Part I), chap. III.

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*Noting with deep concern* that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

*Bearing in mind* the effective search for and identification of missing persons through traditional forensic methods, and recognizing that great technological progress has been achieved in the field of DNA forensic sciences, which could significantly assist efforts to identify missing persons,

*Noting* that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts and causes suffering to the families of missing persons, and stressing in this regard the need to address the issue from a humanitarian perspective,

*Recalling* the observations and recommendations to address the problems of missing persons and of their families that were adopted at the International Conference of Governmental and Non-Governmental Experts on "The missing: action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families", held in Geneva from 19 to 21 February 2003,

*Recalling* the Agenda for Humanitarian Action, in particular its general objective 1, to "respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families", adopted at the Twenty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva from 2 to 6 December 2003,

*Welcoming* regional efforts to address the question of missing persons,

1. *Urges* States strictly to observe and respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949[1] and in the Additional Protocols thereto, of 1977;[2]

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict and to account for persons reported missing as a result of such a situation;

3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

5. *Calls upon* States which are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflicts and to provide their family members through appropriate channels with all relevant information they have on their fate;

6. *Recognizes*, in this regard, the need for the collection, protection and management of data on missing persons according to existing laws, practices, norms and standards and urges States to cooperate with each other and with other

concerned actors in this area, inter alia, by providing all relevant information related to persons reported missing;

7. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children;

8. *Invites* States which are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all practical and coordination mechanisms as may be necessary, based on humanitarian considerations only;

9. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States, and welcomes, in this regard, the establishment and efforts of commissions on missing persons;

10. *Calls upon* States, without prejudice to their efforts to determine the fate of persons missing in connection with armed conflicts, to take appropriate steps with regard to the legal situation of the missing persons and that of their family members, in fields such as social welfare, financial matters, family law and property rights;

11. *Urges* States to guarantee the right to form and participate freely in organizations and associations concerned with attempting to determine the fate of persons missing in connection with armed conflicts and to assist their family members;

12. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the General Assembly;

13. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

14. *Also requests* the Secretary-General to submit a comprehensive report on the implementation of the present resolution, including relevant recommendations, to the Human Rights Council at its relevant session and to the General Assembly at its sixty-third session;

15. *Decides* to consider this question at its sixty-third session.